

**AN ORDINANCE BY COMMUNITY DEVELOPMENT/  
HUMAN RESOURCES COMMITTEE**

**05-0-0054**

**AUTHORIZING THE MAYOR TO GRANT A PERMANENT CONSTRUCTION EASEMENT TO GEORGIA POWER COMPANY, FOR THE PURPOSE OF INSTALLING A GUYED SELF SUPPORTING STUB POLE IN REYNOLDSTOWN PARK ACROSS THE STREET FROM MORELAND AVENUE AT CAROLINE STREET TO CONTINUE UN-INTERRUPTED SERVICE TO THE SOUTHEASTERN QUADRANT OF THE CITY OF ATLANTA AND TO WORK IN CONJUNCTION WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION TO FACILITATE CONSTRUCTION OF THE DECELERATION LANE, LOCATED IN LAND LOT 14 OF THE 14<sup>TH</sup> DISTRICT, FULTON COUNTY, GEORGIA; SAID PAYMENT IN THE AMOUNT OF \$5,010.00 SHALL BE DEPOSITED INTO 3P02 (TRUST FUND) 462101 (LAND RENTAL ) N21D11B69999 (CITY-WIDE GROUND AND SITE IMPROVEMENTS); AND EXPENDED FROM 3P02 (TRUST FUND) 574001 N21D11B69999 (FACILITIES NON-BUILDINGS, CITY-WIDE GROUND AND SITE IMPROVEMENTS), ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS, BUREAU OF PARKS; AND FOR OTHER PURPOSES.**

**WHEREAS,** Georgia Power Company has requested a permanent construction easement in the City's Reynoldstown Park, located in Land Lot 14 of the 14<sup>th</sup> District of Fulton County, Georgia, for the purpose of installing a guyed supporting pole in Reynoldstown Park across the street from Moreland Avenue at Caroline Street, to continue un-interrupted service to the Southeastern Quadrant of the City of Atlanta and to work in conjunction with the State of Georgia Department of Transportation to facilitate construction of the deceleration lane at Moreland Avenue at Caroline Street; and

**WHEREAS,** Georgia Power Company will be responsible for payment of the costs associated with the property appraisal, easement, construction, installation and operation of the guyed self supporting stub pole at no cost to the City and will pay the City for the appraised value of the easement and the easement in the total amount of \$5,010.00; and

**WHEREAS,** Georgia Power Company is requesting this permanent construction easement to accomplish the tasks identified above; and

**WHEREAS,** a permanent construction easement is required to install the guyed self supporting stub pole in Reynoldstown Park located in Land Lot 14 of the 14<sup>th</sup> District of Fulton County, Georgia.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,**  
as follows:

**SECTION 1:** That the Mayor be and is hereby authorized to grant a permanent construction easement to the Georgia Power Company, for the purpose of installing a guyed self supporting stub pole in Reynoldstown Park across the street from Moreland Avenue at Caroline Street, to continue un-interrupted service to the Southeastern Quadrant of the City of Atlanta and to work in conjunction with the State of Georgia Department of Transportation, to facilitate construction of the deceleration lane, located in Land Lot 14 of the 14<sup>th</sup> District, Fulton County, Georgia, on behalf of the Department of Parks, Recreation and Cultural Affairs, Bureau of Parks.

**SECTION 2:** That the City Attorney acting as the Mayor's designee, be and is hereby authorized to review and approve the terms and conditions of the permanent construction easement, as described and delineated in the easement package, attached hereto, as Exhibit "A", and made a part hereof by reference, prior to execution by the Mayor.

**SECTION 3:** That Georgia Power Company will pay \$5,000.00 to the City for the Fair Market Value of the easement based on the appraisal report and will pay the City \$10.00 for the granting of the construction easement in Reynoldstown Park, with said payments together of \$5,010.00 being deposited into 3P02 (Trust Fund) 462101 (Land Rental) N21D11B69999 and expended from 3P02 (Trust Fund) 574001 N21D11B69999 (Facilities non-buildings, City-wide Ground and Site Improvements).

**SECTION 4:** That all Ordinances and parts of Ordinances in conflict herewith, be and the same hereby are repealed.

760 Ralph McGill Blvd  
Bin# 79310  
Atlanta, GA 30312  
(404) 572-7606

December 20, 2004

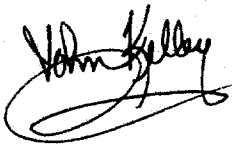
Ken Gillette  
Parks Administrator  
City of Atlanta  
City Hall East, 8<sup>th</sup> floor  
675 Ponce De Leon Ave. NE  
Atlanta, GA 30308

Dear Ken:

This is to confirm that Georgia Power will pay the appraised value of \$5010.00 for an easement to install a utility pole in Reynolds Town. This amount will be paid once the easement has been executed.

Thank you for your support concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Kelley", with a large, stylized flourish underneath.

John Kelley  
Manager External Affairs Atlanta Region  
Georgia Power

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Name of Line MORELAND AVENUE - DECATUR 115 KV TRANSMISSION LINE  
No 6205  
Parcel No 001 Account No 64118-234312-0-0-30000000  
Letter File 6-1958 Deed File 6511 Map File \_\_\_\_\_  
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State of Georgia  
Fulton County

**E A S E M E N T**

Received of Georgia Power Company, hereinafter called the Company, the sum of Ten and 00/100 \*\*\*\*\* Dollars

\$ 10.00 and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, in exchange for which the undersigned City of Atlanta, Georgia

whose Post Office Address is Department of Parks, Recreation and Cultural Affairs  
675 Ponce de Leon Avenue N.E., Suite 800, Atlanta, GA 30308

does hereby grant and convey to said Company, its successors and assigns, the right, privilege and easement to go in, upon along and across that tract of land owned by the undersigned at \_\_\_\_\_

Moreland Avenue, Atlanta, GA 30307

(address of property) in Land Lot 0014 of the 14th District of FULTON County, State of Georgia, said lands being bounded as follows:

on the North by lands of	<u>Seaboard Avenue</u>
on the South by lands of	<u>N/A</u>
on the East by lands of	<u>Moreland Avenue</u>
on the West by lands of	<u>Brantley Street</u>

together with the right to construct, operate and maintain continuously upon and under said land, its lines for transmitting electric current with poles, wires, transformer, service pedestals, and other necessary apparatus, fixtures and appliances, including the right to stretch communication wires on said poles, or under said lands with necessary appliances; with the right to permit the attachment of the wires and appliances of any other company, or person, to said poles: together with the right at all times to enter upon said premises for the purpose of inspecting said lines, making repairs, renewals, alterations and extensions thereon, thereunder, thereto or therefrom: together with the right to cut away and keep clear of said overhead or underground lines, transformers, fixtures and appliances, all trees and other obstructions that may now or hereafter in any way interfere or be likely to interfere with the proper operation of said overhead or underground lines, transformers, fixtures and appliances: also the right of ingress and egress over said land to and from said lines. Any timber cut

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Parcel 001      Name of Line    MORELAND AVENUE - DECATUR 115 KV TRANSMISSION LINE  
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on said land by or for said Company shall remain the property of the owner of said timber.

The undersigned does not convey any land, but merely grants the rights, privileges and easements hereinbefore set out.

The tract of land which is the subject of this Easement is more particularly shown on a Georgia Power drawing entitled "Moreland Avenue-Decatur Transmission Line, crossing the property of City of Atlanta, Georgia, Land Lot 14, 14th District, Fulton County, Georgia", designated Exhibit "A", a copy of which is attached hereto, made a part hereof and incorporated by reference.

Said Company shall not be liable for or bound by any statement or understanding not herein expressed.

IN WITNESS WHEREOF, the Undersigned ha\_\_\_\_ hereunto set \_\_\_\_\_ hand\_\_\_\_ and seal, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Signed, sealed and delivered  
in the presence of:

City of Atlanta, Georgia

\_\_\_\_\_  
Witness

By: \_\_\_\_\_ (SEAL)

Name:

Title:

\_\_\_\_\_  
Notary Public

Attest: \_\_\_\_\_ (SEAL)

Name:

Title:

## APPRAISAL REPORT SUMMARY

<b>Project</b>	<u>Moreland Avenue-Decatur 115 KV Transmission Line</u>			<b>Parcel</b>	<u>1</u>
<b>Property Location</b>	<u>NW/c Brantley &amp; Moreland Ave.</u>	<b>City</b>	<u>Atlanta</u>	<b>Zip Code</b>	<u>30307</u>
<b>Map Reference (APN)</b>	<u>14-0014-0011-058</u>	<b>County</b>	<u>Fulton</u>		
<b>Interest Appraised</b>	<u>Permanent Easement</u>	<b>Date of Value</b>	<u>October 12, 2004</u>		
<b>Land Size</b>	<u>0.004</u> Ac. <u>174.24</u> SF	<b>Shape</b>	<u>Generally, Triangular</u>		
<b>Total Building SF</b>	<u>N/A</u> SF	<b>Topography</b>	<u>At road grade and generally level</u>		
<b>Zoning</b>	<u>Rg-2, Residential</u>	<b>Parking</b>	<u>N/A</u>		
<b>Highest &amp; Best Use</b>	<u>Recreation Park</u>	<b>Present Use</b>	<u>Neighborhood Park Site</u>		
<b>Census Tract No.</b>	<u>205.00</u>	<b>Flood Zone</b>	<u>No</u>	<b>Map #</b>	<u>135157 0263 F 05-07-01</u>
<b>Client</b>	<u>Georgia Power Company</u>	<b>Owner</b>	<u>City of Atlanta</u>		

### Value of Property

Permanent Transmission Line Easement:	\$5,000
Improvements:	N/A -0-
Market Value Of Acquisition	\$5,000

### REMARKS:

The appraiser was contacted by Ms. Claudette Saunders of the Georgia Power Company and was engaged to prepare an appraisal of the subject property. A legal description of the acquisition was not provided for the appraiser's review and inclusion in the appraisal report, however, the acquisition plat indicating the size and location of the site was provided. The appraiser was unaccompanied on his inspection of the property on October 12, 2004.

I certify that I have personally inspected the property, that I have no present or contemplated interest in same, that I have given consideration to the value of the property, that the appraisal assignment was not based on a requested minimum valuation or a specific valuation and that in my opinion the value of the real property is as indicated above as of October 12, 2004.

**DATE**  
**ADDRESS**

October 13, 2004  
570 Mountainbrooke Circle  
Stone Mountain, GA 30087

  
John D. Crawford, Real Estate Valuation Consultant  
Georgia Certified General Real Property Appraiser, CG1427

**JOHN D. CRAWFORD**

*Real Estate Valuation Consultant*

**Parcel 1**  
**Moreland Avenue-Decatur 115 KV Transmission Line**  
**NW/c Brantley Street & Moreland Avenue, NE**  
**APN: 0014-0014-0011-058, Fulton County**  
**City of Atlanta - Owner**

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### **Valuation of Acquisition**

#### **Permanent Transmission Line Easement**

174.24 SF	@	\$28.00 /SF	=	\$4,879	
\$4,879	x	100%	=	\$4,879	
Market Value of Permanent Easement				Say	\$5,000
Site Improvements:	N/A				\$0
Total Market Value of Permanent Transmission Line Easement					\$5,000

#### **Valuation Summary**

Market Value Before (Land Only)	\$825,000
Market Value of Acquisition	-\$5,000
Market Value of Remainder Before (Land Only)	\$820,000

### **Effect Of The Acquisition**

The economic effect of the acquisition is revealed by the impact of the taking as it relates to the estimated highest and best use of the remainder in the after situation. Considering the proposed self supporting guy stub pole line easement which is the subject of this appraisal, the highest and best use is the same as in the before situation. Future development with a structure consistent with its legally permissible residential use is unimpaired. The remainder is physically suitable for development by reason of the size of the area not encumbered by the transmission line easement.

**ALL THAT TRACT** or parcel of land lying and being in Land Lot 14 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

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## ***Legislative White Paper***

**Committee of Purview:** COMMUNITY DEVELOPMENT/HUMAN RESOURCES

**Caption:** AN ORDINANCE BY CD/HRC AUTHORIZING THE MAYOR TO GRANT A PERMANENT EASEMENT TO GEORGIA POWER COMPANY, FOR THE PURPOSE OF INSTALLING A GUYED SELF-SUPPORTING STUB POLE IN REYNOLDSTOWN PARK ACROSS THE STREET FROM MORELAND AVENUE AT CAROLINE STREET TO CONTINUE UN-INTERRUPTED SERVICE TO THE SOUTHEASTERN QUADRANT OF THE CITY OF ATLANTA AND TO WORK IN CONJUNCTION WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION TO FACILITATE CONSTRUCTION OF THE DECELERATION LANE, LOCATED IN LAND LOT 14 OF THE 14<sup>TH</sup> DISTRICT OF FULTON COUNTY, GEORGIA; SAID PAYMENT IN THE AMOUNT OF \$5,010.00 SHALL BE DEPOSITED INTO 3P02 (TRUST FUND) 462101 (LAND RENTAL) N21D11B69999 (CITY-WIDE GROUND AND SITE IMPROVEMENTS); AND EXPENDED FROM 3P02 (TRUST FUND) 574001 N21D11B69999 (FACILITIES NON-BUILDINGS, CITY-WIDE GROUND AND SITE IMPROVEMENTS), ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS, BUREAU OF PARKS; AND FOR OTHER PURPOSES.

**Council Meeting Date:** January 18, 2005 and February 7, 2005

**Legislation Title:** An Ordinance

**Requesting Dept.:** Parks, Recreation and Cultural Affairs

**Justification Statement:**

**Fund Account Center:** For depositing the easement (\$10.00) and appraisal value (\$5,000.00) of the easement area into 3P02 Trust Fund 462101 Land Rental N21D11B69999 City Wide Ground and Site Improvements and expending these monies from 3P02 Trust Fund 574001 N21D11B69999 Facilities non-buildings, City wide Ground and Site Improvements.

**Fiscal Impact:** \$5,010.000

**Approvals:**

DOF: Margaret Crenshaw-12-14-04

DOL: Sent 12-14-04

**Prepared By:** Debra F. Harris, M.A., Departmental Contracting Officer/DPRCA

**Contact Number:** 404-817-6795